

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.2204 pertaining to a no) PROPOSED AMENDMENT
wake zone on Echo Lake)

To: All Concerned Persons

1. On February 19, 2009, at 6:00 p.m. the Fish, Wildlife and Parks Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Region 1 offices located at 490 North Meridian Road, Kalispell, Montana to consider the amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the commission no later than 5:00 p.m. on February 12, 2009, to advise us of the nature of the accommodation that you need. Please contact Martha Abbrescia, Fish, Wildlife and Parks, Region 1, 490 North Meridian Road, Kalispell, MT 59901; telephone (406) 751-4567; fax (406) 257-0349; e-mail mabbrescia@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.11.2204 ECHO LAKE (1) Echo Lake is located in Flathead County.
(2) Echo Lake is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), except for the following areas:
(a) the upper three islands in the southwest corner of section 5, approximately 1/4 mile southeast of the entrance of Blackies Bay.
(b) the narrow corridor that serves as the entrance and exit to Blackies Bay located in the northwest corner of Echo Lake; ~~and~~
(c) the narrow corridor that serves as the entrance and exit to Causeway Bay located in the northeast corner of Echo Lake-;
(d) the narrow corridor that serves as the entrance and exit to Sunrise Bay, west of Blackies Bay; and
(e) the narrow corridor that serves as the entrance and exit of the bay located at the southwest side of Echo Lake bordered by Echo Chalet Drive and East Village Drive.

AUTH: 23-1-106, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

4. The Fish, Wildlife and Parks Commission (commission) received two petitions, regarding the no wake zone established by ARM 12.11.115, on Echo Lake. After hearing comments from the petitioners pursuant to ARM 12.11.117, the commission is proposing the enclosed rulemaking.

The commission is proposing amendments to ARM 12.11.2204 to establish an alternative route to the existing path motorized watercraft towing skiers are allowed to travel in order to allow safe travel across the whole lake. The existing no wake zone around the perimeter of the lake disallows motorized watercraft towing a skier to continue through to other portions of the lake because the 200 foot no wake zone overlaps and does not allow watercraft to travel at speeds required to pull a skier. The commission found that areas where watercraft can travel at speeds to tow a skier are too congested and cause wave action that resulted in damage to adjacent property owners' docks and shorelines. This proposal provides a safe route, with high visibility, allowing watercraft towing a skier to travel a greater portion of the lake relieving congestion and minimizing damage to the shoreline caused by waves.

The commission is proposing the amendments to provide a continuous route from the bays to the main body of water on Echo Lake by exempting the corridors serving as entrance and exit for each bay from ARM 12.11.115.

On November 10, 2008 the commission voted and approved to direct the Department of Fish, Wildlife and Parks to initiate rulemaking.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Martha Abbrescia, Fish, Wildlife and Parks, Region 1, 490 North Meridian Road, Kalispell, MT 59901; fax (406) 257-0349; e-mail mabbrescia@mt.gov, and must be received no later than February 27, 2009.

6. Jessica Fitzpatrick, or another hearing officer appointed by the department, has been designated to preside over and conduct the hearing.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Joe Maurier

Joe Maurier, Acting Secretary
Fish, Wildlife and Parks Commission

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter
Rule Reviewer

Certified to the Secretary of State January 20, 2009.